

## AGREEMENT WITH COMANCHE, KIOWA, AND APACHE INDIANS IN OKLAHOMA.

MAY 9, 1898.—Referred to the House Calendar and ordered to be printed.

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Mr. CURTIS, of Kansas, from the Committee on Indian Affairs,  
submitted the following

### REPORT.

[To accompany H. R. 10049.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10049) entitled "A bill to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement," beg leave to submit the following report and recommend that said bill do pass without amendment.

Knowing the importance of this measure, your committee have given the same careful examination. Delegations from Oklahoma and Texas, who are anxious to have the country opened, and also a delegation from the Indian tribes, who are opposed to the ratification of the agreement in its present form, were given plenty of time to present their respective sides to a former Congress, and there has been two hearings at this session.

The bill was referred to the honorable Secretary of the Interior, and his recommendations have been carefully considered.

Your committee find that the land described in the agreement is located in what is known as the "leased district," and that the Choctaw and Chickasaw nations of Indians claim an interest in so much of it as the Comanche, Kiowa, and Apache tribes of Indians do not take by allotment, on the ground that by the treaty of 1866 they only ceded the land in trust, while it is claimed by the United States that by said treaty the said Choctaw and Chickasaw nations, for a valuable consideration, ceded all their rights, title, and interest in and to said lands to the United States.

Your committee believe that certain changes should be made in the agreement, so as to extend the time of the opening, change the date and manner of payments, extend the mining laws of the United States over the reservation, and provide for the settlement in court of the claim of the Choctaw and Chickasaw nations.

The following changes are made in the agreement:

Article 4 is amended so as to give twelve months for the selection of allotments, in lieu of requiring them to be made in ninety days. The manner of paying for the land is changed so that as fast as the lands are sold, the money received from such sales is to be covered into the Treasury and placed to the credit of said Indians, but no part of it is to be paid out until the question of title is fully settled.

The bill makes the following provisions for the settlement of the claim of the Choctaw and Chickasaw nations:

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States, and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or, should they dismiss said suit, the same shall be reinstated, and their claim shall be forever barred.

These two sections are necessary, in the judgment of your committee, for the reason that the land is located in what is termed the "leased district," and the Choctaw and the Chickasaw nations claim that by the treaty of 1866 they only ceded the land in trust, and that as soon as the Comanche, Kiowa, and Apache tribes of Indians abandon the land, so much of it as they do not take by allotment reverts to said Choctaw and Chickasaw nations; while it is claimed on the part of the United States that by said treaty of 1866 the Choctaws and Chickasaws, for a valuable consideration, ceded all their rights, title, and interest in and to said lands to the United States.

This agreement was made or entered into on the 6th day of October, 1892, and was favorably reported in the Fifty-fourth Congress. It embraces 2,968,893 acres of land; and after allotting or giving to each Indian 160 acres, it cedes to the United States 2,517,853 acres, which will be opened for settlement.

There are only 2,819 of these Indians. They occupy 477 dwelling houses, which may be retained by them when they take their allotments. It is claimed that within one year each head of a family on the reservation will be occupying his own dwelling.

This reservation contains very valuable farm and grazing lands. For years the most of it has been used by cattlemen for the grazing of large herds of cattle.

Your committee are advised that these Indians have made great advancement during the last few years under the management of acting agent Captain Baldwin. Many of them are now occupying their own houses, and are fast becoming self-supporting.

The governor of Oklahoma Territory says:

I can not refrain from urging, as I have heretofore, that these reservations be at once opened to settlement. They embrace some of the finest lands in Oklahoma Territory and would be capable of supporting a large population.